

## REMARKS

The Office Action dated 06/20/2006 indicates claims 13-16 and 18-33 are pending, of which claims 13-16 and 18-33 are rejected, and claims 14-16, 18, 19, and 22-33 are objected to. More specifically, claims 13-16 and 18-33 are rejected under 35 USC 101 as being directed to non-statutory subject matter. Claims 14-16, 18, 19, and 22-33 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant also wishes to thank the Examiner for identifying several typographical errors.

### **Regarding Item 1 in the Office Action:**

The specification amendment instructions have been re-presented with a correction to the identified line numbers.

### **Regarding Item 2 in the Office Action:**

The previous abstract is canceled and a replacement abstract is provided as requested by the Examiner. See the SPECIFICATION AMENDMENT section above.

### **Regarding Item 3 in the Office Action:**

The claims have been amended to comply with the Examiner's requirements to overcome the objections. The claim amendments are shown marked up in the Claim Amendments section presented above.

Please withdraw the objections to claims 14-16, 18, 19, and 22-33.

### **Regarding Item 5 in the Office Action:**

Independent claims 13, 20, and 22 have been amended so as to more clearly show that Applicant's claimed invention meets the requirements of Title 35 USC 101 of the current USPTO Policy Guidelines. It is to be noted that these amendments are made for clarification of the statutory nature of the claims; these amendments are not intended as narrowing amendments. In addition, narrowing the scope of the claims is unnecessary as there are no rejections of any of the claims based on prior art.

Applicant's claimed invention is related to processing workpieces to produce a product. Numerous examples of applications of Applicant's invention are presented in the originally filed specification. Applicant's teachings provide results that are clearly useful, concrete, and tangible. More specifically, Applicant's invention is related to processing workpieces and process tools for processing workpieces such as workpieces for fabricating electronic devices. Physical transformations of the workpieces occur as a result of performing the processes. Applicant's claimed invention uses data sets obtained from measurements of process conditions for the processes and process tools. The data sets are used to obtain fingerprints which represent the performance of the process or process tool. Comparisons of the fingerprints are used to determine if there are changes in process results for the processes and process tools. The comparisons are used for making decisions such as decisions about process tool maintenance and such as whether processing results (or process tool performance) are essentially unchanged, i.e., matched. Furthermore, Applicant's claimed invention produces a result tied to the physical world and thus meets the statutory requirements of 35 USC 101, according to current USPTO Policy Guidelines.

The claim amendments are provided to more clearly show that the claims are directed to processing and process tools and that the claimed invention uses the data sets to derive information about the performance of the processes and process tools so that the processes and process tools can be operated properly to process workpieces. Support for the claim amendments can be found in the originally filed specification. No new matter has been added.

In view of the foregoing remarks and amendments, Applicant's independent claims 13, 20, and 22 are allowable. Applicant respectfully requests withdrawal of the rejections of independent claims 13, 20, and 22 under 35 USC 101. Applicant further requests the withdrawal of the rejections of dependent claims 14-16, 18, 19, 21, and 23-33 which depend from allowable independent claims 13, 20, and 22.

***Conclusions***

Applicant has amended independent claims 13, 20, and 22 so that they now meet the requirements as set forth in the Office Action and are now allowable.

If the Examiner finds the foregoing amendments and remarks not to be sufficient, then Applicant requests a phone call to the undersigned prior to mailing the next Office Action to discuss the matter so as to get the claims in condition for allowance.

Please telephone the undersigned at (707) 523-7530 if there are any questions regarding this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Larry Williams', with a long horizontal flourish extending to the right.

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